

**REMARKS**

The Examiner is thanked for the due consideration given the application. This amendment is being filed concurrent with a Request for Continued Examination.

Acknowledgement of the allowability of claims 4 and 22 is noted with appreciation.

Claims 1-13 and 18-24 remain pending in the application. The claims have been amended to remove reference numerals. Claim 1 has been amended to replace the expression "*in zones or troughs or recesses of threads that are left free in the screwing means*" by "*on thread bottoms of said screwing means*" and to replace the expression "*on screw reliefs or threads*" by "*on screw reliefs of said screwing means*". Claim 18 has been amended to replace the expression "*in zones or troughs or recesses of the threads that are left free*" by "*on thread bottoms of said threads*" and to replace the expression "*on screw reliefs or the threads*" by "*on screw reliefs of the threads*". Claims 6 and 24 have been slightly amended by deleting the expressions "*in order to traumatize as little as possible an acetabular bone site, in which the threads are introduced, and in order to have a maximum convex surface-area by having*", "*by contact osteogenesis and remodeling under stress*" and by deleting the expression "*in order*" before "*to facilitate*" and before "*to apply*", and by replacing the expression "*an effect involving compression of sponge-like bone*" by "*effect compression of the bone material*".

For the sake of consistency, the term "*troughs*" has been replaced by the expression "*thread bottoms*" in claims 6, 7 and 24. In claim 24 the term "*is*" has been deleted. The coating recited in claims 3 and 21 have been better specified as the "*thick*" coating.

No new matter is believed to be added to the application by this amendment.

#### **Claim Objections**

Claim 24 has been objected to as containing informalities, i.e., an extraneous word "*is*". The comments in the Office Action have been considered, and claim 24 has been amended to be free from informalities.

#### **Claim Rejections - 35 USC §112**

Claims 3, 21 and 24 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This rejection is respectfully traversed.

The comments in the Office Action have been considered, and the claims have been accordingly amended to be clear, definite and have full antecedent basis.

This rejection is believed to be overcome, and withdrawal thereof is respectfully requested.

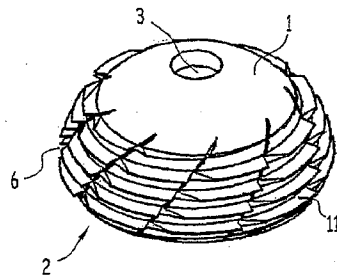
**Rejections Based On Mallory**

Claims 1, 5, 6, 18, 23 and 24 have been rejected under 35 USC §102(b) as being anticipated by U.S. Patent 4,883,491 to Mallory et al. (Mallory).

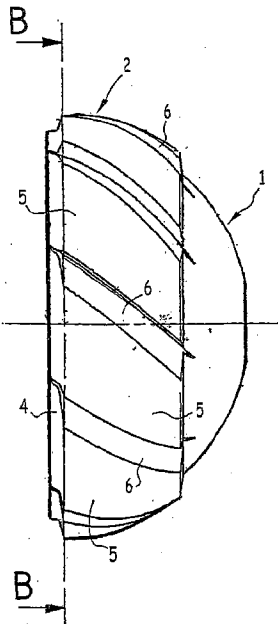
Claims 2, 3, 19, 20 and 21 have been rejected under 35 USC 103(a) as being unpatentable over Mallory in view of U.S. Publication 2003/0050705 A1 to Cueille et al. (Cueille).

These rejections are respectfully traversed.

The present invention pertains to an acetabular insert that is exemplarily illustrated in Figures 1 and 2 of the application reproduced below.



**FIG.1**



**FIG.2**

The acetabular implant includes a screw cup configured to receive an articular insert. A screwing device is at a periphery or in a tropical/equatorial zone (2) of the cup, and the screwing means are intended to be introduced into bone material of the acetabulum during a screwing action. A coating is carried by the cup, which coating facilitates osteointegration (this can be a selective calcium hydroxyapatite coating). The coating is thick on convex portions (1, 10) of an outer surface of the cup, including on thread bottoms of the screwing device, and the coating has a lesser thickness, or is even absent, on screw reliefs of the screwing device. This can be seen in Figures 7 and 8, which are reproduced below.

FIG.7

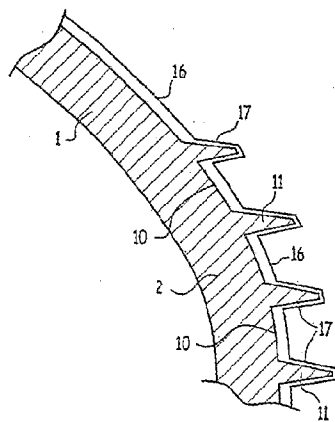
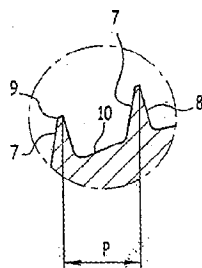


FIG.8

Mallory pertains to an acetabular implant. The Office Action refers to Figure 1 of Mallory, which is reproduced below.

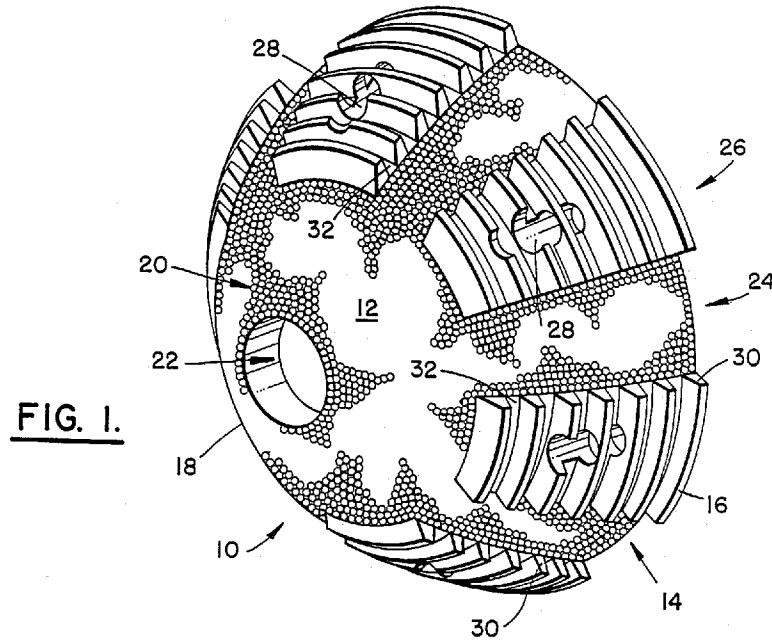


Figure 1 of Mallory shows:

- a screw cup 10 configured to receive an articular insert,
- screwing means (formed by thread 16) at a periphery of the cup 10, which are intended to be introduced into the bone material of the acetabulum during a screwing action; and
- a porous coating carried by the cup 10.

However, according to claims 1 and 18 of the present invention, in the acetabular implant, the coating is formed on convex portions of an outer surface of the cup including **on thread bottoms of the screwing means.**

On the contrary, in the implant disclosed in Mallory, the coating is only formed in the regions of the porous-coated

columns 24 (see Figure 1 (reproduced above) and column 4, lines 4 to 10), whereas the threaded areas are left entirely free of coating, forming the threaded columns 26.

Therefore, Mallory does not disclose or suggest coating the bottoms of the threads, which are part of the threaded columns 26.

Independent claims 1 and 18 are thus not anticipated by Mallory. Claims depending upon claims 1 or 18 are patentable for at least the above reasons.

Cueille is referred to for teachings pertaining to a coating thickness of 100 to 200  $\mu\text{m}$  or being of an order of 150  $\pm$  35  $\mu\text{m}$ . However, these teachings of Cueille do not address the deficiencies of Mallory discussed above.

One of ordinary skill and creativity would thus not produce a claimed embodiment of the present invention from a knowledge of Mallory and Cueille, and a *prima facie* case of unpatentability has thus not been made.

These rejections are believed to be overcome, and withdrawal thereof is respectfully requested.

### **Conclusion**

Prior art of record but not utilized is believed to be non-pertinent to the instant claims.

As no issues remain, the issuance of a Notice of Allowability is respectfully solicited.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized in this, concurrent, and future submissions, to charge any deficiency or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

/Robert E. Goozner/  
Robert E. Goozner, Reg. No. 42,593  
Customer No. 00466  
209 Madison Street, Suite 500  
Alexandria, VA 22314  
Telephone (703) 521-2297  
Telefax (703) 685-0573  
(703) 979-4709

REG/fb